

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1, 5 and 6 under 35 USC § 102(e) as being anticipated by Yang (U.S. Patent No. 6,801,114). In addition, the Examiner rejected claim 5 under 35 USC § 112, second paragraph, as being indefinite. The Examiner objected to claims 2 - 4 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections and objection have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1 - 6.

2. Claim 5 has been rejected under 35 USC § 112, second paragraph, as being indefinite. The applicant has amended claim 5 to overcome this rejection and references page 7, lines 23 - 29 as support for the amendment.

In particular, depending on IC technology and area constraints, a higher Q value with smaller areas may be obtained for fixed inductor values by allowing a smaller portion of the inductance to be obtained by a smaller number of turns at thinner metal track levels while the larger portion of the inductance results from thicker metal track levels. As one of average skill in the art will appreciate, such varying of the inductance between thicker and thinner metal tracks can be tailored for any CMOS foundry process.

3. Claims 1, 5 and 6 have been rejected under 35 USC § 102(e) as being anticipated by Yang (U.S. Patent No. 6,801,114). The applicant respectfully disagrees.

In particular, claim 1 includes the limitation of the metallization of the winding on each of the at least some of the plurality of metal layers is in an approximate range of twenty to eighty percent. Yang does not teach or disclose such a limitation. As such, Yang does not anticipate claim 1, or dependent claims 5 and 6.

For the foregoing reasons, the applicant believes that claims 1 - 6 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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Diane Hudson